

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASE NO. 03-CR-10356-MLW

UNITED STATES

VS.

**FREDERICK A. SIMONE,
a/k/a FREDDY, a/k/a
THE NEIGHBOR,**

**VINCENT C. GIOCCHINI,
a/k/a DEE DEE; and**

**FRANCIS WHITE, a/k/a
THE WHITE-HAIRED GUY**

**DEFENDANT, FREDERICK A. SIMONE'S MOTION FOR
MODIFICATION OF TERMS AND CONDITIONS OF PRE-TRIAL RELEASE**

Now comes the defendant, Frederick A. Simone, in the above numbered indictment and respectfully requests this Court for a modification of the terms and conditions of his pretrial release that would permit him to travel out of state for a short period of time to visit with his daughter, Kristin Smith, whose husband, Justin Smith, presently actively in the service of the United States Marine Corps. as a staff sergeant has been activated and attached to the 26th Marine Expeditionary Unit for deployment to Iraq on September 8, 2004 with return date to Camp LeJeune to October 3, 2004 and subsequent departure to Iraq.

The defendant is very close to his son-in-law, Justin and his daughter and granddaughters, Emily (2) and Alexa (5). Sgt. Smith is restricted to base and is unable to travel. A copy of a letter from Commanding Officer, Company A, 2d Aslt Amphib Bn dated July 9, 2004 and signed by J.D. Gwazdauskas is attached hereto. A letter from Kristin Smith dated July 16, 2004 addressed to Mr. Simone's counsel is attached hereto as well.

The defendant therefore requests that he be permitted to visit with his son-in-law, daughter and grandchildren prior to this emotional departure by Staff Sergeant Smith. As the Court may recall, it has been argued and the Court has found that Mr. Simone is not a flight risk. There are no other changes in circumstances that would warrant any concerns on the part of the Court nor is there a reason to believe that Mr. Simone would not return to Massachusetts to face the charges against him.

WHEREFORE the defendant respectfully requests that this Court grant him permission to modify the terms and conditions of his pretrial release to allow him to travel to 117 Hunt Drive, Hubert North Carolina the last week of August leaving on Friday, August 20, 2004 and returning on the following Saturday, August 25, 2004.

Frederick Simone
By his attorney

“s/Kevin J. Reddington”